IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.404 OF 2005

ALONG WITH

CRIMINAL APPLICATION NO.405 OF 2005

ALONG WITH

CRIMINAL APPLICATION NO.407 OF 2005

Shri.Bharatkumar Modi & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

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Ms.Kuttikrishnan i/b Ms.S.D.Khot for Applicants.

Ms.G.P.Mulekar, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 23, 2005.

P.C.

1. Ms.Kuttikrishnan is allowed to file Vakalatnama on behalf of Applicants.

2. Heard. The grounds raised before this Court can be effectively answered by the Revisional

Court.

3. As alternative efficacious remedy is available to the Applicants by way of revision before the Sessions Court in view of the decisions of this Court in the cases of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778**, and in the unreported decision **in the case of Chetan R.Nagda & Ors. vs. N.D.Pawar & Anr. in Criminal Writ Petition No.1023 of 2005 dated 8th December 2005**, Counsel for the Applicants fairly prays for withdrawal of the Applications with liberty to take recourse to remedy of revision. Hence, dismissed as withdrawn with liberty as prayed. All questions are left open.

4. The Applicants to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Applicants. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

5. In case, there is any delay in filing

Revision Application, Court will take into account the fact that the Applicants had first approached this Court, which period may be excused in computing delay.

6. Applications disposed of on the above terms.

A.M.KHANWILKAR, J.